



4906

FCAB UPDATE

Week of June 2, 2003

(Last update was May 1, 2003)

MEETING SCHEDULE

Stewardship Committee Meeting

Wednesday, June 11, 2003 6:30 p.m.

(new meeting location – staff will greet you at the west side of the parking lot)

Trailer T-214 On Site

FCAB Meeting

Thursday, June 12, 2003 6:30 p.m.

Crosby Senior Center

ATTACHMENTS

- 5/10/03 Draft FCAB Meeting minutes
- 5/8/03 NRD Roundtable Summary
- 6/12/03 FCAB Meeting Draft Agenda
- 6/11/03 Stewardship Committee Meeting Draft Agenda
- Organizational Realignment memo
- Railcar Lid Incident Summary
- Articles & News Clippings

FOR FURTHER INFORMATION

Please contact Doug Sarno or David Bidwell at The Perspectives Group

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www.fernaldcab.org

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FULL BOARD MEETING

Crosby Township Senior Center

Saturday, May 10, 2003

DRAFT MINUTES

The Fernald Citizens Advisory board met from 8:30 a.m. to 12:00 p.m. on Saturday, May 10, 2003, at the Crosby Township Senior Center.

Members Present:

Jim Bierer
 Kathryn Brown
 Marvin Clawson
 Lisa Crawford
 Lou Doll
 Pam Dunn
 Glenn Griffiths, for Steve McCracken
 Gene Jablonowski
 Robert Tabor
 Tom Wagner

Members Absent:

French Bell
 Lisa Blair
 Blain Burton
 Sandy Butterfield
 Steve DePoe
 Jane Harper
 Graham Mitchell
 Gene Willeke

Designated Federal Official:

Gary Stegner

The Perspectives Group Staff:

Douglas Sarno
 David Bidwell

Fluor Fernald Staff:

Sue Walpole

Approximately ten spectators also attended the meeting, including members of the public and representatives from the Department of Energy and Fluor Fernald.

General Announcements and Ex-Officio Comments

Jim Bierer called the meeting to order. The Board approved the minutes for the March and April meetings. The Board agreed to discuss how the absence of Board members is recorded in the minutes at its September retreat.

Jim stated that a SSAB Chairs meeting is planned for September 26-28 in Peducah, Kentucky. In addition, an organizing committee for the next SSAB Workshop will be formed during the next Chairs conference call. The tentative topic for this meeting is the Office of Legacy Management. Members of the FCAB expressed an interest in the Board being involved in the planning for this workshop and possibly acting as the host for it. Jim will pass along the Board's interest during the Chairs call. Jim also explained that the SSAB recommendations on transuranic (TRU) waste, developed at the Carlsbad, New Mexico workshop this past winter, had been signed by the boards from INEEL, Savannah River, Oak Ridge, Northern New Mexico, and the Nevada Test Site.

Jim announced that Steve McCracken has been named as the new Manager of Environmental Management for the Oak Ridge Reservation in Tennessee. Glenn Griffiths has been named as the acting site manager for Fernald. Glenn stated that he was pleased to be back at the Fernald site full time. Gary Stegner will determine if any official action is required to replace Steve with Glenn as an *ex-officio* member of the FCAB.

Glenn explained that an unexpected situation had arisen at the Silos Project during the preceding day. During preparations to move the "beanies" from the Silos 1 and 2 domes, the project team discovered that water had accumulated in the space between the dome and the beanie caps. Recent structural analyses on the domes indicate they could bear a weight of 280,000 pounds; the water was calculated to weigh approximately 50,000 pounds, so dome collapse was not considered a risk. The water, however, was found to contain high levels of lead-210, a byproduct of the decay of radon. Because the water was contaminated, and because the beanies were sealed in 1991, it is believed that the water resulted from condensation through the concrete dome. An existing portal in the dome was used to drain the water back into the silos overnight. Although this water was not anticipated, Glenn reported that safety procedures worked very well and the situation was handled without incident. Glenn promised to provide Lisa Crawford with a fact sheet that explains the situation and how it was addressed.

Doug Sarno reviewed materials that were distributed to the FCAB members prior to the meeting. The packet included the following documents:

- A letter from the FCAB containing comments on the draft Long-Term Stewardship Science and Technology Roadmap. This letter was sent to DOE-Idaho, who produced the report for the Office of Long-Term Stewardship.
- A letter from the FCAB to the Nuclear Regulatory Chairman Diaz urging concurrence with DOE's designation of silos waste as 11e.(2).
- A formal response from DOE Headquarters on the FCAB's recommendations from the feasibility study report, *Telling the Story of Fernald*. This response will be discussed at the Stewardship Committee meeting in June, to determine if any further action by the FCAB is warranted.
- A detailed response to the concerns regarding silos materials samples that were raised by Bob Vogels at the last Silos Project Roundtable.
- An article by Jennifer Hamilton that focuses on Fernald, which was recently published in the journal *Risk Analysis*.
- A recently approved DOE policy on public participation. Doug will send an electronic copy of this policy to Pam Dunn.

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Doug announced that Sandra Waisley's office at DOE Headquarters are collecting SSAB success stories and have developed a template for providing this information. The Board briefly discussed the importance of communicating the positive side of SSAB activities and of having Board members participate in evaluations of the SSAB program.

Project Updates

Dennis Carr provided the FCAB with an update on current projects. First, he explained that the scope of the recently renegotiated Fluor Fernald closure contract has been expanded to include removal of nearly all facilities at the site by December, 2006. Because the time needed to complete the aquifer restoration is unknown, Fluor Fernald will be required to leave the most cost-effective infrastructure in place at the time of site closure. This could be the existing Advanced Waste Water Treatment facility or a temporary packaging station; Fluor Fernald is currently analyzing options and will determine the preferred path in the next few months. Natural resource restoration projects have also been added to the scope of the contract. Management of site records produced prior to 1989 has been removed from the scope of the contract. These records will now be managed by DOE, but there is currently no plan in place for how this will be handled. Dennis also explained the fee structure in the revised contract. The maximum fee for Fluor Fernald would be for completion of the site in March, 2006, with a decrease in total fee for each additional month that the site is not completed. The minimum fee would be reached in July, 2008. Fluor Fernald has established a target fee of \$215 million, which would require site completion by December, 2006. To help it meet its goals, Fluor Fernald will have more authority on contracting issues. FCAB members briefly discussed the need for DOE to plan early for the transition of site management from Fluor Fernald to the long-term stewards for the site.

Dennis also discussed workforce issues. He promised to provide the FCAB with an overview of the Fluor Fernald organization at the June Board meeting. Dennis stated that a workforce reduction of approximately 200 site employees—salaried and nonsalaried—would occur in July. Many of these reductions are planned for the waste management project, since it is coming to an end. Dennis explained that contract negotiations between the union and Fluor Fernald are ongoing, and that a federal mediator is now involved.

Dennis announced that the eighty-third unit train has been shipped by the Waste Pits project. Twenty-five new train cars are on order, which will bring the total number of cars at the site to 215. Dennis also announced that a citizen recently reported that a lid was ajar on an empty train car returning from Envirocare. Until this issue is resolved, members of the Fluor Fernald staff will inspect trains as they leave Envirocare. Lisa Crawford requested a summary of this incident and how Fluor Fernald has addressed it.

The Decontamination and Demolition Project is pushing its schedule for Plants 2, 3, and 8, in order to complete demolition of the buildings by September, 2003. The Boiler Plant has been shut down and is under preparation for demolition. Dennis stated that all "hard-shell" buildings should be vacated by the end of July, 2003.

Dennis explained that the Waste Management Project is still blending some waste with the waste pits material. The contents of each box are checked to ensure their acceptability for blending. He stated that one more shipment of materials would be sent to the TSCA Incinerator in Oak Ridge before the end of May. Fewer than 4,000 containers remain on site, and Dennis stated that they would almost all be off site by the end of September 2003.

The Soils project got a great start for the construction season, but rain has slowed down progress. Dennis stated that goals for this year should still be achieved. The liner for Cell 6 and cap for Cell 2 will be in place.

Dennis stated that the Aquifers Project is still meeting discharge limits for uranium, but has continued to struggle with water chemistry. Water in the waste pits is being treated to reduce PH levels before it sent to the AWWT.

Silos Project Update

Ray Carradi provided the FCAB with an update on the Silos Project. Ray reported that final designs have been completed and contracts are being put in place for construction of the facilities. He stated that Readiness Teams are preparing checklists, Health and Safety are developing the needed analyses, and training of new staff has begun.

Ray explained that analysis of the first "hot test" at the Silos 1 and 2 Radon Control System has been completed. A second round of tests began on April 25. The system will run continuously throughout this summer's construction activities. Ray reported that the system has continued to successfully reduce radon levels in the headspaces of the silos.

Pilings that will support bridges over the silos have been installed in the beams around Silos 1 and 2. The steel bridges will be constructed near the silos and lifted into place. Ray explained that the "beanies" discussed earlier in the meeting are being removed to allow installation of these bridges.

Ray stated that removal of materials from Silos 1 and 2 is scheduled to begin in June, 2004. Construction of the Silos 1 and 2 treatment facility is moving forward, including installation of concrete shield walls and rail work. Container designs are being pursued that would allow shipment by rail and truck. Mockups of the fill room equipment will be tested in Oak Ridge during July.

Ray explained that the foundation for the Silo 3 packaging facility is in place and shielding walls are being constructed. As the result of a demonstration, the design of pneumatic wand that will remove materials from Silo 3 was simplified dramatically. Silo 4 was used to demonstrate how the Silo 3 wall would be reinforced and cut open. Ray also announced that the supplier of the bags and Silo 3 packaging system has agreed to build a mockup of the system and test it with surrogates.

Ray announced that bi-weekly conference calls with members of the Critical Analysis Team (CAT) are ongoing. He also noted that Bob Roal of the CAT would attend the May 13 public hearing for the revised Silo 3 proposed plan.

Dennis discussed the status of the 11e.(2) designation for the silos wastes. He reviewed the issue for the group, reminding them that Fluor Fernald was seeking concurrence from the Nuclear Regulatory Commission (NRC) on DOE's designation of the waste as 11e.(2). This designation would allow Fluor Fernald to ship the wastes by rail to a private disposal facility (e.g., Envirocare). Dennis explained that DOE is wary of becoming involved in this issue, due to legal concerns. Dennis explained that Fluor Fernald is now working with legislators to have the 11e.(2) definition clarified through the Water and Soils appropriation bill. That would eliminate the dispute regarding the designation for the silos waste. He promised to update the FCAB regarding this issue and his meetings with Congressional staff.

Budget Issues

Pete Greenwalt spoke to the FCAB regarding the Fiscal Year 2004 budget request for the site. The FY04 budget request for Fernald submitted to Congress by DOE was for \$323.4 million. Johnny Reising stated that the number of PBSs for the site have been reduced from eight to five and reviewed a chart of the new budget structure.

Pete explained that Headquarters sets the amount of money budgeted to support the FCAB and state regulators. FCAB members asked to see detailed budget information for the FCAB, support for the Ohio Environmental Protection Agency, and Public Affairs. Jim Bierer and Doug Sarno suggested that this information, as well as a FY05 budget projection for the FCAB, should be a topic of discussion at the FCAB retreat in September.

Doug explained that the FCAB budget for FY04 would be approximately \$252 thousand, as compared to \$270 thousand in FY03. This amount would allow the FCAB to continue its current meeting schedule. He also explained that given the anticipated reduction in national SSAB activities, the travel funds remaining from the past budget year should meet the needs of the FCAB. He stated that reductions in the budget for the FCAB were not as bad as he had feared. Doug recommended that the Board not send the letter it had drafted regarding its budget needs. Jim Bierer suggested that as the full FCAB meetings become even more focused on long-term stewardship, the number of Stewardship Committee meetings could be reduced in order to save money.

Natural Resource Damages Claim Roundtable

Doug announced that the May 8 roundtable discussion on the Natural Resource Damages Claim was successful in defining the issues that need to be resolved. However, there is no clear process in place to resolve these issues. Doug reported that DOE Headquarters has not yet established a policy regarding settlement of these claims and is concerned that Fernald will become an important precedent for the Complex.

There were three main categories of issues identified at the roundtable:

- What is point at which the DOE responsibility for ecological restoration projects end? What are long-term requirements that need to be fulfilled? Who would pay for it?
- A settlement must provide compensation for the contamination of groundwater. How much compensation is appropriate, what would it be used for, and how would those funds be managed?
- What role do "public-use amenities"—i.e., trails, overlooks, and an education facility—play in settlement of the claim? Would the settlement contribute to 1) building these facilities and 2) maintaining them?

The Board briefly discussed the importance of having a trust that would fund the management of natural restoration projects and educational resources at the site, since they are not covered by CERCLA requirements. The next Stewardship Committee meeting will focus on what aspects of the community vision for the Future of Fernald need to be supported monetarily by settlement of the Natural Resource Damages claim. The results of that meeting will be used to craft a recommendation to all of the Natural Resource Trustees.

Public Comment

Jim Bierer asked if any members of the public would like to make a comment. No one from the public offered comments.

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Upcoming Meetings

Doug reminded the group that a public hearing for the revised proposed plan for Silo 3 would be held at the Crosby Senior Township Center on Tuesday, May 13. He noted that the FCAB would not submit comments on the plan, since the plan reflects earlier input provided by the FCAB.

The next full Board meeting will be held on Thursday, June 12. 6:30 p.m. to 9:00 p.m. The Stewardship Committee meeting will be held on Wednesday, June 11.

Doug reminded the group that the July FCAB meeting is also scheduled for a weekday evening—Wednesday, July 9. The Stewardship Committee meeting will be held on July 8. As usual, there will be no August meetings. The FCAB retreat is scheduled for Saturday, September 13. The FCAB will celebrate its first ten years on the preceding Friday evening, September 12.

The meeting was adjourned at 12:00 p.m.

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NATURAL RESOURCE DAMAGES ROUDTABLE DISCUSSION

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Crosby Township Senior Center
Thursday, May 8, 2003
6:30 to 8:15 p.m.

Purpose

To understand the parameters and potential for settlement of the State of Ohio's Natural Resources Damage claim against the U.S. Department of Energy for the contamination of Fernald.

Attendees

The Fernald Citizens Advisory Board (FCAB) invited members of its Stewardship Committee and representatives of the site's Natural Resource Trustees to attend this roundtable discussion. The Natural Resource Trustees for Fernald include the U.S. Department of Energy, the State of Ohio (served by the Ohio Environmental Protection Agency), and the U.S. Department of Interior (served by the Fish and Wildlife Service). The event was publicized at FCAB meetings and in the site newsletter *A Look Ahead*, which is distributed to approximately 800 people. Participants in the roundtable discussion are listed below. The event was also attended by approximately fifteen individuals from DOE and Fluor Fernald. Douglas Sarno and David Bidwell of The Perspectives Group facilitated the discussion.

Fernald Citizens Advisory Board/Stewardship Committee

- Lisa Blair
- Sandy Butterfield
- Marvin Clawson
- Pam Dunn
- Jim Innis
- Carol Schroer
- Bob Tabor
- Tom Wagner

U.S. Department of Energy

- Anthony Eitreim
- Johnny Reising

Ohio Environmental Protection Agency

- Tim Kern (Ohio Attorney General Office)
- Graham Mitchell
- Tom Schneider

U.S. Fish and Wildlife Service

- Mary Knapp
- Bill Kurey

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Background Information

Douglas Sarno reviewed a handout that provided background information on the Fernald NRD claim. CERCLA law, which guides the cleanup at Fernald, holds responsible parties liable for the disruption or loss of natural resources resulting from the release of hazardous substances. Natural resources include land, surface water, groundwater, and wildlife. Through this law, states can sue to compensate for replacement or repair of damages. Monetary payments can be paid directly to a state treasury or placed in a trust dedicated to a particular site.

In 1986, the State of Ohio brought a lawsuit against DOE for alleged violations of CERCLA at Fernald. This lawsuit included a NRD claim. This claim was stayed until completion of the RI/FS for the Fernald site. Natural Resource Trustees were designated in 1994 and include the State of Ohio (served by Ohio Environmental Protection Agency, U.S. Department of Interior (served by Fish and Wildlife Service), and DOE. A Natural Resources Restoration Plan was first submitted to the Trustees in 1997. Per this plan, ecological restoration projects are being implemented at the site concurrently with remediation projects.

Formal negotiations for settlement of the NRD Claim have been ongoing, but a final agreement has not been reached.

Interests and Perspectives of Trustees

Each of the Trustees and the FCAB were provided an opportunity to outline their interests in settlement of the NRD claim.

Department of Energy

DOE wants to comply with CERCLA and move forward to settle the claim. DOE sees settlement of the NRD claim as a potential opportunity to establish a trust that can ensure ongoing maintenance of the restoration projects and public-use amenities. Because this NRD claim is among the first to be addressed by DOE, DOE Headquarters must establish a policy that will guide the settlement.

Ohio Environmental Protection Agency

OEPA views settlement as a "win-win-win" opportunity, because it could ensure that the public vision for the long-term future of the site would be achieved. OEPA is pleased with current progress on restoration projects and would like assurance that the land would remain as an ecological park. OEPA would like DOE to maintain the ecological restoration projects until they are well established, because that would increase the chance of identifying a willing long-term steward for the natural resources of the site. The State of Ohio would place any monetary payments resulting from a settlement into a trust dedicated to funding activities at Fernald.

Fish and Wildlife Service

Fish and Wildlife Service has been pleased with the ecological restoration projects that have been undertaken by DOE. FWS would like to see these restoration projects maintained long term.

Fernald Citizens Advisory Board

The FCAB's has long supported the restoration of the site to a sustainable ecosystem. In its Vision for the Future of Fernald, finalized in 1999, the FCAB focused on the educational role of the site, which included trails and some sort of on-site education facility. Recently, the Board has developed the concept of Community-Based Stewardship, a recognition that the community will be the one entity with a long-term, continuous connection to the site. Therefore, it is important to that the site become an asset to the community. The FCAB is concerned about funding for long-term management of the natural resources at the site and the ongoing

involvement of the public in this management. The Board understands that a settlement of the NRD claim could have a significant impact on these issues. Also, until the claim is settled, there is a lack of clarity needed to move forward with planning for long-term management of the site.

Key Issues Discussed

The participants discussed several issues regarding the potential role of a settlement for the NRD claim. These issues are outlined below, along with key questions that need to be addressed.

Issue 1: There is disagreement about the time required to ensure that natural resources restoration projects have been successfully established, as well as how long-term maintenance of the restored areas will occur. DOE is seeking to have a defined end point to its responsibility for providing direct upkeep of natural resources (DOE will maintain the OSDF zone and conduct all monitoring required to ensure maintenance of the remedy throughout the property). Parties generally agree that some level of long-term management will be necessary and that DOE should provide monies to the state so that a fund can be established to perform these functions. The State is concerned that recruitment of a natural resource steward will be difficult until the restoration projects have had adequate time to become well established.

Key Questions that remain for resolution of Issue 1:

- What measure or timeframe should be established to allow DOE to "hand-off" responsibilities for natural resources maintenance to a long-term steward?
- Who is going to play the role of long-term steward of natural resources and how will they be selected and encouraged to assume that role?
- How will the long-term resources steward and long-term stewardship activities synergize with DOE's long-term stewardship activities?
- Who will fund long-term management of natural resources (DOE assumed)?
- How will long-term management of natural resources be funded (Trust fund assumed)?
- What is the role of DOE's new Office of Legacy Management and how will this impact settlement?

Issue 2: As part of the settlement, DOE will likely owe compensation for damages to groundwater. The size of these damages and how compensation will be used is unclear. A \$5 million dollar fund has been on the table for some time. These monies were intended by the State to be devoted to environmental education activities, potentially including offsetting some of the costs of constructing a MUEF. However, DOE would like to also tie other obligations to this fund such as the requirements of long-term maintenance of restored areas. The \$5 million is an arbitrary amount and is not tied to specific needs, nor has it been vetted by any DOE decision makers at the Headquarters level. It is critical to the FCAB that the size of the settlement be sufficient to cover identified needs and be earmarked for Fernald uses only.

Key Questions that remain for resolution of Issue 2:

- What size settlement is reasonable?
- For what will these settlement funds be used?
- How will the settlement funds be managed and by whom?

Issue 3: The degree to which trails, overlooks, and an education facility would be included in a settlement is not clear. The FCAB views the MUEF as critical to the future of the site and long-term stewardship. The investment in cleanup warrants a legacy that allows for ongoing community asset and connection to the site. Trails and overlooks were included in the last approved version of the Natural Resources Restoration Plan but a MUEF was not. The FCAB has also expressed interest in educational signage which was included in early long-term stewardship documents but has since been removed. Siting any type of structure at Fernald will greatly increase long-term maintenance costs.

Key Questions that remain for resolution of Issue 3:

- What role should the settlement play in funding the construction of a MUEF?
- What role should the settlement play in funding the maintenance of a MUEF?
- What role should the settlement play in funding the construction of trails, signs, and/or overlooks?
- What role should the settlement play in funding the maintenance of trails, signs, and/or overlooks?

Steps Required to Reach Settlement

The participants briefly discussed what actions would be required to settle the NRD claim. Representatives of the Trustees stated that it was difficult to discuss specific issues, because that could be interpreted as negotiating a lawsuit in public. FCAB members asked if there was a specific process that the Trustees would use to move towards settlement of the claim, but the Trustees stated that the process remains unclear. DOE stated that it must receive a clear policy from DOE Headquarters before a settlement can be reached. Ohio EPA stated that a public meeting is anticipated before any settlement would be finalized.

Members of the FCAB urged the Trustees to involve the public in the process of determining the parameters of a settlement. They also stated that the Natural Resource Trustees must take a strong leadership role and push a timely settlement of the NRD claim.

Jim Bierer thanked the Trustees and community members for participating in the roundtable discussion. In closing, he stressed the importance of reaching settlement of the NRD claim, in order for the Fernald site to become a valuable resource for the community.



FCAB REGULAR MEETING

Crosby Township Senior Center, 8910 Willey Road

Thursday, June 12, 2003

DRAFT AGENDA

6:30 p.m.	Call to Order
6:30 – 6:45 p.m.	Chair's Remarks and Ex Officio Announcements
6:45 – 7:05 p.m.	Project updates
7:05 – 7:25 p.m.	Silos update
7:25 – 7:45 p.m.	Waste Pits update
7:45 – 8:30 p.m.	Recommendations on NRD Settlement
8:30 – 8:45 p.m.	Planning for 10 th Anniversary Celebration
8:45 – 9:00 p.m.	Public Comment
9:00 p.m.	Adjourn



STEWARDSHIP COMMITTEE MEETING

T-214

Wednesday, June 11, 2003

DRAFT AGENDA

Note Location Change: T-214 is located west of the parking lot. Staff will meet you at the parking lot to direct you to the trailer.

- 6:30 p.m. Opening Remarks and Updates
- 6:40 p.m. Records Management Issues
- Update on Site Activities (Luther Brown)
 - DOE Headquarters Response to FCAB
 Recommendations in the Feasibility Study Report
- 7:10 p.m. Recommended Scope of NRD Settlement
- 8:00 p.m. Adjourn

message from Jamie Jameson

May 19, 2003

Another Step in Aligning Our Organization For Closure

Fernald is changing. Every week there are emptier waste pits, taller soil piles, growing disposal cells, and more progress on dismantling the remaining buildings and facilities. It's an exciting time to be part of one of the largest environmental cleanups in the country.

There's no doubt we are making visible and substantive progress this year. Our field performance has been excellent, but our people are still getting hurt. That, as you know, is unacceptable. As we quickly approach the height of the construction season, I'm relying on each employee, supervisor and manager to reaffirm their commitment to and accountability for safety. Besides looking out for our own safety, we need to also protect our co-workers. As they say, "you're only as strong as the weakest link." This is certainly true when it comes to safety. I know we have good people that are committed to safety, but if any of us let our guard down for even a moment, we open ourselves up to trouble.

As our work changes, so does the management structure we'll need to guide us through the next step of the project. We need certain skills to lead Fernald to closure, but we must be prepared to share our highly-talented employees with new projects. That balance is one of my challenges. To that end, some current and past Leadership Team members will be leaving to support newly-won projects. Other Fluor Fernald employees will be joining them. Also, some Fluor and teaming partner company employees have finished their assignments and are moving on to other work. As before, this is a great opportunity for other employees within a division or department to step forward and be recognized. Ultimately, we're building an even stronger closure organization, one that doesn't fear change but accepts the challenges that change brings.

Today, I want to explain the latest Fluor Fernald organization chart (see attachment). First, Fernald is a closure project. As such, I'm now the closure project director instead of executive project director, president or CEO. Next, I have flattened the organization to show the consolidation of projects which will further streamline our resources by removing duplicate support functions. To this end, Dennis Carr will lead the combined Silos and Waste Pits Remedial Action Project (WPRAP). As you know, the road to closure runs right through the Silos Project, and WPRAP must reach the off-ramp at a time when Silos is ready to begin their waste shipping operations.

As you may have already heard, Ron Hanson has asked Bob Nichols to help lead the River Corridor Project in Hanford, Washington. He will be leaving the site around August for this new assignment. In the meantime, he will continue to assist me on special assignments in support of early and safe closure. Bob has provided outstanding leadership to the project for the past 17 years. I, like most of you, will miss him as a colleague and a friend. Bill Edmondson, who has 45 years of construction and project management experience will be responsible for the D&D Project as well as Maintenance and Infrastructure Support. Both of these organizations are extremely mature. The four remaining production buildings and the Lab will be completely dismantled this year. Demolition of Building 45 and associated buildings, along with all remaining structures on the Plant 1 Pad, will begin in June and July. By the end of summer, crews will begin to shift back to the administrative side of the fence to begin demolishing the Service and Administration Buildings. This work will certainly impact the maintenance required for the administrative side of the house. Maintenance and Infrastructure will continue to support each of the major projects as well.

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Other changes of note: Mike Kopp will move from Industrial Relations to lead the Aquifer Restoration and Waste Management Projects. This is familiar turf for Mike, who helped focus the efforts of our waste shipping organization a few years ago. The Waste Management division as you know it will complete their work scope by the end of this fiscal year. Some wastes will continue to be generated during the course of remediation and this group has proven that it is capable of handling such waste streams in a timely, cost-efficient manner.

Dan Powell will lead Soils and On-Site Disposal Facility. Dan has 30 years of construction experience in a variety of disciplines both here and overseas. Placing more waste and debris each and every year will be the challenge for both Dan and J.D. Chiou .

Contracts, Safety, Health and Quality, Public Affairs, Legal, Human Resources and Industrial Relations and Finance will continue to provide needed support to the project and be integral to the success of my management team.

Finally, Terry Hagen will continue to lead Closure Project Management. It's Terry's responsibility to make sure we efficiently use our resources, maintain our schedule and work closely with DOE and regulators to reach closure.

These changes are now in place. What I think you will see is a leaner, faster moving organization that is ready to meet the goals we've set for the remainder of this year and position us to reach closure, and do it safely in 2006. If you have any questions about the new organization, please feel free to talk to me or any member of the leadership team. Again, thank you for your commitment to this project.

Jamie Jameson
Closure Project Director

Improperly secured railcar lid on Unit Train 81

Background

The material that was transported in unit train 81 (UT81) came from the Fernald Closure Project (FCP). The wastes were generated from processes used in the refining of uranium ores during 40 years of operations at the FCP. The principal radioactive components in the waste are uranium and thorium.

Chronology of Events

April 27, 2003 - UT81 was an empty train on the return trip to the FCP. As the train passed through Perry, Kansas, a citizen reported to the Union Pacific Railroad that the cover on a railcar placed about fourth from the end of the train was not properly fastened. (This railcar was identified as car #179). Since the railcars are stenciled with the words "For Radioactive Materials Use Only", the citizen made a very keen observation, however, the train at this point was empty of any waste materials.

On April 29, 2003, UT81 arrived at Shandon Yard and visual inspection confirmed that one of the four latching mechanisms (clamps) was out of position. This caused the cover to be raised above the top cord of the railcar, creating a gap of approximately 8 inches between the cover and the railcar at one corner.

Radiological surveys for contamination were performed on the exterior of railcar at and around the gap caused by the out of position clamp, as well as including the adjacent face of the railcar next to #179. Results from the surveys indicated the removable alpha and beta contamination on the exteriors of the railcars were less than minimum detectable activity, well below the maximum allowable Department of Transportation levels.

Radiological surveys for contamination were also performed on the interior of railcar #179 at twenty-five locations including the walls, floor, and underside of the cover. The levels are below free release criteria and are consistent with routine measurements. Based on these survey results, there was no risk of exposure from radioactive materials to the public or rail workers.

Corrective Actions

Before shipping these railcars, it is a requirement to visually inspect the overall railcar configuration to ensure the covers are replaced onto the railcars and the clamps are securely fastened. The alignment of one of the clamps on railcar #179 was incorrect.

Personnel from the FCP and Envirocare have engaged in several conference calls to identify the point of failure in detecting this matter. During the week of May 5 through May 9, the FCP sent a three-person team (Dave Lojek, Jeff Rowe, Steve Capano) to the Envirocare facility. The team observed the unloading and release of another train and worked with the Envirocare crew to strengthen training in the fastening and alignment of the clamps and to improve procedures for clamp alignment and train release inspections and documentation.

DOE halts major cleanup at Hanford

■ *Agency says state order not to create 'mixed wastes' prompted stop-work order*

By John Stang
Herald staff writer

The Department of Energy ordered Hanford contractors Friday to stop all work indefinitely that could create chemical wastes at its nuclear cleanup site.

Saying an order from the Washington Department of Ecology prompted the action, federal officials halted a vast but undetermined amount of work, ranging from dealing with scrap plutonium to routine maintenance.

The effects on cleanup progress, environmental safety and jobs at Hanford were unknown as of Friday evening.

The state immediately said it was willing to clarify or fix the controversial sentence, but federal officials did nothing to stop their action Friday.

At a halt

DOE, contractors plan shut-down. Page A2.

The action was the latest chapter in an escalating battle

between federal and state officials over how much legal clout the state has to regulate Hanford.

In a brief news conference Friday, DOE's Hanford Manager Keith Klein blamed an April 30 order from the Department of Ecology that sets deadlines for Hanford to dig up, check and

store radioactive wastes that might hold dangerous chemicals.

The 14-page state order has one sentence that says: "DOE shall immediately stop creating a backlog of untreated mixed wastes."

DOE interprets that to mean Hanford's contractors cannot do even routine maintenance if it could create "mixed wastes," the term for radioactive wastes combined with dangerous chemicals.

"We believe the effects of the state's order ... impede the achievement of cleanup goals. ... We do not have the option to interpret the order in any way other than what is specifically spelled out in the plain language of the order," Klein said.

When questioned further, Klein kept returning to that statement.

When asked about the nine-day delay in responding to the state order, Klein said his agency needed time to study it to understand its ramifications.

The stop-work order was a mutual decision by DOE management in Richard and Washington, D.C., after consulting with DOE attorneys. DOE cleanup czar Jessie Roberson could not be reached for comment Friday.

In a written statement, Gov. Gary Locke said: "This rationale would be like your mother telling you not to let dirty dishes pile up in the sink, and you respond by not cleaning any dishes at all."

Sheryl Hutchison, Ecology Department spokeswoman, said DOE leaders "are trying to make a point that no one but they are going to get."

Ken Niles, spokesman for Oregon's

Department of Energy, said: "We're shocked that DOE would respond to an administrative order that way."

Shelley Cimon of La Grande, Ore., co-vice-chairwoman of the Hanford Advisory Board said: "DOE is overreacting to one sentence."

Hutchison said DOE never called the state between April 30 and Friday to clarify the sentence. DOE informed Tom Fitzsimmons, state ecology director, late Thursday evening about the action. Other state leaders were told either Thursday evening or Friday.

Hutchison said the controversial sentence was supposed to mean that the state wants DOE to treat any mixed waste as it is produced at Hanford, and that DOE

See DOE, Page A2

DOE: Stoppage catches congressional delegation off guard

Continued from A1

should add new ways to treat mixed wastes. Hanford has the ability to treat some mixed wastes but not all of them.

DOE's actions caught the Tri-Cities' congressional delegation off guard.

Rep. Doc Hastings, R-Wash., was flying from Washington, D.C., to Pasco on Friday and could not be reached for comment.

Sen. Maria Cantwell, D-Wash., was told of DOE's action Friday. In a written statement, she said: "By going to the (media) first, DOE appears to be trying to negotiate Hanford cleanup with Washington state through the news media. These tactics are entirely unacceptable. DOE has a legally binding obligation to clean up Hanford, and we will hold it accountable."

Sen. Patty Murray, D-Wash., learned of DOE's intentions Thursday evening. She is unhappy with both sides.

In a written statement, she said: "Two years ago, we had unprecedented cooperation between the state and DOE ... but today, that goodwill seems to have evaporated. ... The stakes are too high to let petty squabbling interfere with Hanford cleanup."

While the state of Oregon and the U.S. Environmental Protection Agency have some sympathy for Washington's stance, their officials say Washington is not blameless.

Friday's action traces back to DOE's plan to route transuranic wastes from small cleanup sites to Hanford, which has a facility to check and repack those barrels for eventual shipment to permanent storage in New Mexico.

Washington said it would agree

Not all shutdowns will be immediate

The Department of Energy and its contractors are mapping out which Hanford projects will be shut down, and how that will be accomplished.

DOE told contractors Thursday evening by letters about its decision to stop all work that might create mixed wastes, which are radioactive waste laced with dangerous chemicals.

On Friday, DOE officials met with contractor officials to figure out what work will be stopped and how that will be accomplished. Some shutdown work will be immediate, and some will be gradual, DOE said.

There is some fuzziness in what might be shut down.

DOE's letters said that the federal agency must be notified within 24 hours if a contractor determines stopping an operation — because of the mixed waste generation ban — would violate state or federal law or create an immediate significant danger to people or the environment.

At that point, DOE will provide additional directions.

Another unknown is how the stoppage will affect jobs at Hanford. DOE said the contractors have begun analyzing that situation, and DOE will go public with those impacts when they are known.

DOE released a list of projects and work that probably will be stopped because of the federal agency complying with a state order, which DOE interprets to mean no new mixed wastes can be created at Hanford.

Projects not on that list include construction of Hanford's radioactive waste glassification complex, removing spent nuclear fuel from the K Basins and the demolition and sealing of old reactors. Consequently, those projects appear not to face stoppages.

Following is a partial list of projects that DOE said could be affected:

- Most of the work being done at the Plutonium Finishing Plant to convert scrap plutonium into safer forms will stop. This project is on schedule to meet a 2004 completion date.

- Any preventive and corrective maintenance work that could produce mixed wastes will stop.

- While moving spent fuel from the K Basins is apparently not covered in DOE's stop-work action, the agency's order will stop maintenance work on the K Basins' equipment. Also, the removal of radioactive sludge from the K East Basin, currently behind schedule, will stop.

- All work will stop to pump liquid and solid radioactive wastes from Hanford's tanks.

- All sampling and analyses of tank wastes will stop.

- All transuranic waste work will stop, along with removing suspect wastes from burial sites.

- Research will stop into technologies that are supposed to neutralize low-activity tank wastes that DOE does not want to tackle through conventional glassification.

- Work will stop on tracking contaminants seeping underground at Hanford.

— John Stang

to that if DOE would negotiate timetables and volumes for transuranic wastes going through Hanford, plus for when DOE would remove transuranic wastes already stored at Hanford. Transuranic wastes are essentially highly radioactive trash that takes thousands to millions of years for its radiation to decay.

Most of Hanford's transuranic wastes are buried at the site.

The talks between the state and DOE broke down in March.

The state contends DOE pulled out just when an agreement was near. DOE has said it will never allow the state to assume legal authority over transuranic wastes. But the state contends the Tri-Party Agreement requires DOE to negotiate a timetable.

The state and some environmental groups filed two lawsuits in federal court to stop DOE from shipping transuranic wastes to Hanford until a timetable is negotiated. The state also issued orders

on March 11 and April 30 to set deadlines for Hanford to dig up, check and set up temporary on-site storage for its transuranic wastes.

Then DOE filed a federal lawsuit, arguing the state does not have the powers it claims in its March 11 order. DOE issued Friday's stop-work order in response to the April 30 order.

- Reporter John Stang can be reached at 582-1517 or via e-mail at jstang@tri-cityherald.com.

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Hanford cleanup delayed

DOE-Ecology dispute holds up removal of buried wastes

BY LISA STIFFLER
P-I reporter

Cleanup of radioactive waste is stopping at some Hanford Nuclear Reservation facilities because of an ongoing disagreement between the state and federal government.

U.S. Department of Energy officials announced yesterday that contractors had been told to cease cleanup operations that will create new radioactive and chemically hazardous waste.

Officials said they had to take action because of an order regarding untreated waste issued by the state Ecology Department at the end of April.

"The order is in writing. It is mandatory," said Marla Marvin, a DOE spokeswoman in Richland.

"We don't feel like we have any other option."

The state department of Ecology and DOE have been arguing for months over the shipment of radioactive waste to and from the former nuclear bomb-making site.

Energy wants to send 170 barrels of waste to Hanford from other cleanup sites so they can be closed. In return, Ecology wants a written plan setting timelines for the removal of Hanford and offsite waste. There are fears that the federal government wants to make the Eastern Washington site a national dump.

Ecology officials said the federal agency was intentionally misreading their order.

"Any sane, logical person knows the way they are interpreting this order is not how it was intended," said

Sheryl Hutchison, an Ecology spokeswoman. "They've pulled this childish stunt to try to get attention."

In December of last year, Ecology officials agreed to temporarily accept garbage contaminated with long-lived radioactive elements such as plutonium if DOE officials would agree by March 1 to a plan for the cleanup and removal of some 78,000 barrels of buried waste at Hanford.

When that deadline was missed, Ecology filed a lawsuit to halt the import of the so-called transuranic waste. State officials then ordered DOE to create a plan for cleaning up the debris buried at Hanford in dirt trenches. The federal agency countered with a lawsuit appealing the order.

Ecology issued a second order April 30 saying DOE had broken state laws by burying garbage tainted with radioactive materials and dangerous chemicals in dirt trenches that have leaked. DOE responded with the stop-work order.

Cleanup projects that could be affected include:

- ▶ Turning waste plutonium into more stable forms suitable for long-term storage.

- ▶ Work on some of the massive, buried tanks that stored waste from plutonium production.

- ▶ Research and testing needed to proceed with cleanup of radioactive sludge.

Since 2000, some 760 drums of Hanford waste have been shipped out of the site for disposal in New Mexico. Forty drums of transuranic waste — including 27 that can only be handled by robotic equipment — have arrived at Hanford.

A federal judge has ordered a temporary stay on new waste shipments to Hanford. The state is seeking a permanent injunction until a legally enforceable agreement on waste shipments is reached.

P-I reporter Lisa Stiffler can be reached at 206-448-8042 or lisastiffler@seattlepi.com

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Our Voice

**DOE's risky posturing
unacceptable threat**

Regardless of the Department of Energy's intent, it sent a clear message with Friday's decision to curtail the bulk of Hanford cleanup.

And the message is this: Hanford's neighbors and its workers are less important to DOE than flexing a few muscles and showing the state exactly who's in charge.

The war of wills between DOE and the state has been escalating for months, but the posturing hadn't stalled progress at Hanford.

That changed last week, to no one's benefit.

On Thursday, a day before its public announcement on the situation, DOE directed Hanford contractors to "immediately cease operations" that would generate any new mixed chemical and radioactive wastes.

The order stops or severely limits nearly all cleanup work at Hanford, including efforts to stabilize the leak-prone single-shell radioactive waste tanks, taking and analyzing samples of contaminated soils, cleanup-related research at the Pacific Northwest National Laboratory and decontamination efforts at defunct plutonium plants.

The list of potential cleanup jobs affected is longer than that, but it's still a moving target. And DOE wasn't even hazarding a guess Friday on how many workers might be laid off.

That can't be reassuring to workers or their families. The additional uncertainty couldn't come at a worse time.

Fluor Hanford and CH2M Hill already have announced layoffs, and the 647 employees working for Bechtel Hanford and its two small permanent subcontractors are wondering whether they'll still have jobs if the river corridor cleanup contract changes hands.

Energy Department officials weren't shy about trying to shove the blame for Friday's developments onto the state. But DOE's attempt to pass itself off as an innocent bystander isn't credible.

According to DOE, it is simply following an administrative order issued April 30 by Tom Fitzsimmons, director of the state Department of Ecology.

The 14-page document includes a paragraph instructing DOE to "immediately stop creating a backlog of untreated mixed wastes."

Hanford Manager Keith Klein said federal lawyers determined DOE had no choice but to start shutting down cleanup activities.

That much rings true. It's an old lawyer's trick to challenge disagreeable laws and regulations by insisting on strict and impractical enforcement.

But DOE had options, of course. It still does.

Two alternatives — to either appeal the order or call someone at the Ecology Department for clarification — are listed on the cover letter Fitzsimmons attached to the order.

The suggested options are hard to overlook, because the letter is just two paragraphs long. The phone number is even included.

Another option — not listed by Fitzsimmons, but used by DOE in the past — is to inform the state that Hanford can't reasonably comply with the order, then negotiate a way out.

Of course, that was back when the state and DOE were still talking. Earlier this year, communication became more likely to occur via lawsuit than through dialogue.

In a turn for the worse, it looks like discussions have devolved into the ridiculous sort of posturing displayed in this latest twist.

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That has to end.

Like in a bad marriage, the issue that started the fight is likely to be forgotten as the bickering escalates. And like some child caught in the middle, Hanford cleanup is increasingly becoming a second priority.

To be sure, the state has played a role in fueling tensions. Fitzsimmons' order looks like tit for tat. While none of the state's actions seem as risky as DOE's ploy, we expect more from both sides.

The Mid-Columbia remains next-door neighbors to the nation's biggest environmental mess. The folks who live here deserve better than childish tantrums and power plays from our federal and state governments.

We have a right to demand it.

“

In a turn for the worse, it looks like discussions have devolved into the ridiculous sort of posturing displayed in this latest twist.

That has to end.

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DOE's secrecy adds to mistrust

By the Herald staff

The chasm in the current relationship between the Department of Energy and the state is rooted in the often secretive operations of the Department of Energy under Energy Secretary Spencer Abraham.

It's also a reflection of just how much what once was a professional working relationship between the state and feds has deteriorated in the past two years.



Abraham

That working relationship had evolved since 1989, when the state was preparing to sue DOE to force it to clean up Hanford. The site was the nation's most contaminated chunk of land after a 46-year history of Cold War plutonium production.

Neither side wanted a law suit, however, so DOE, the state and the U.S. Environmental Protection Agency negotiated the Tri-Party Agreement. The complex legal contract set timetables and standards for Hanford's environmental cleanup.

In the years since, the three contract agencies often have revised the pact as they've learned more about the contamination and better ways to deal with it.

The relationship occasionally has been strained, as when the state issued fines or threatened suit for DOE's

missing Tri-Party Agreement requirements. But the regulators also have agreed to extend deadlines to help DOE, and they worked to convince Congress to increase Hanford's cleanup budgets.

In the process, the three agencies developed a solid working relationship based on DOE sharing information with its regulators and the public.

But the Bush administration and current Secretary Abraham brought major changes to Hanford and the nationwide nuclear cleanup.

DOE has become much more secretive, and often has not shared budget information until late in the process.

The state, EPA and other Hanford constituencies have grumbled that they could not get a good picture of cleanup plans early enough to provide meaningful feedback.

Abraham also unveiled a master plan to speed up nuclear cleanup nationwide while trimming costs. The concept has drawn praise from regulators, but there's also mistrust that DOE may try to cut corners.

That mistrust, in turn, has produced irritation at DOE's top levels with the pesky regulators.

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A breakdown in bureaucracy

■ *Relationship between DOE, state on a downward spiral as order forces halt in cleanup*

By John Stang
Herald staff writer

In 14 years of arguments over how to clean up the Hanford Nuclear Reservation, Washington state and the Department of Energy often have been at odds.

But Friday was the first time the two sides escalated to a brinkmanship that threatens to stymie cleanup, raise its costs and perhaps even idle many of the 12,000 people who work there.

Friday's announcement by DOE that it was closing down much of Hanford's cleanup work because the state had forced it to do so capped months of escalating hostilities.

DOE's announcement pointed at one sentence buried in a 14-page state order dealing with radioactive transuranic wastes. The agency said the April 30 state order means all work at Hanford that creates any radioactive fluids and chemicals must stop.

Like a rock tossed into a pond, the DOE order set off a series of ripple effects, many of them still unknown.

Immediately halted was all work to convert scrap plutonium into safer forms, the pumping of radioactive wastes from underground tanks, most analytical laboratory work, the removal of radioactive sludge from the K East Basin, maintenance on K Basins cleanup equipment and much of the site's maintenance.

The order — which was issued without first asking the state for clarification of the one sentence — came two months after the state and DOE filed federal lawsuits against each other.

Under dispute is how much power the state has under the 1989 Tri-Party Agreement, which regulates Hanford's environmental cleanup. The legal pact was signed by DOE, the state and the U.S. Environmental Protection Agency and set enforceable deadlines.

State officials have charged that DOE is increasingly ignoring the state's legal role in regulating Hanford. In turn, DOE has portrayed the state as claiming more legal clout than it is entitled to.

DOE's portrayal, however, suddenly shifted Friday to, "We're just following the state's orders."

Tom Fitzsimmons, director of Washington's Department of Ecology, said the relationship with DOE has weakened substantially.

"Our relationship with the Department of Energy, I'd characterize as a lot less collaborative and becoming a lot more regulatory over the last several months," he said.

Washington Attorney General Christine

Gregoire said DOE has become more secretive and has adopted cleanup plans without consulting regulators. "All that is DOE simply saying: 'Trust us,'" she said.

DOE is unwilling to talk about the rift.

Hanford's top two DOE managers — Keith Klein, head of DOE's Richland office, and Roy Schepens, head of DOE's Office of River Protection — have declined to be interviewed.

They referred questions to Jessie Roberson, DOE's cleanup czar in Washington, D.C. Roberson also declined to be interviewed but issued a brief written statement Tuesday.

"We have enjoyed a good working relationship with the state," she said. "We were recently disappointed, however, by the state resorting to lawsuits and other actions that mischaracterized our cleanup efforts. Those actions do not lend themselves to a strong climate of cooperation. However, (DOE) is certainly working very hard to meet our cleanup commitments."

Meanwhile, the EPA, Hanford's other lead regulator, shares some of the state's frustrations but is "kind of caught in the middle," said Nick Ceto, EPA's Hanford site manager.

"We're trying our best to talk with everybody," he said. "Overall, folks I've met at Energy sincerely think they are doing the right thing."

State frustrations began with a steady stream of DOE changes in the top-priority radioactive tank waste glassification complex that were made without state approval — and which run counter to the Tri-Party Agreement.

Gregoire said filing a lawsuit on the glassification plant changes is a last resort. But

she added, "I don't think we have any choice but to look at (litigation) as an option at some point."

The most recent dispute centers on who should regulate transuranic wastes. The highly radioactive wastes have long half lives, meaning it takes thousands to millions of years for their radioactivity to decay to almost nothing.

Hanford has an estimated 75,000 barrels of buried transuranic wastes, and another 9,000 barrels stored above ground.

Although the state does not have clear authority over those wastes, it says the Tri-Party Agreement requires DOE to negotiate a legally binding timetable for processing and preparing to move them to permanent storage in New Mexico.

DOE disagrees.

Talks began in December to settle the dispute. As a sign of good faith, the state said it would not oppose Hanford receiving 170 barrels of transuranic wastes from small DOE labs in Ohio and California labs during the talks.

In late February, the state and EPA thought they were on the brink of an agreement with DOE. But a day before the talks were to finish, DOE pulled out.

In a March 4 interview, Roberson said DOE never intended to relinquish any control of the wastes to the state and voiced puzzlement on why the state and EPA thought DOE would.

She said the talks were supposed to address other wastes, although the state and EPA said the talks' chief focus was transuranic wastes.

Gregoire is still angry.

"We did trust them. We trusted them so

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much that we allowed them to begin sending some transuranic wastes to Hanford during the talks," she said. "At the end of the day, they walked away from the table."

Fitzsimmons speculated DOE might have pulled out of the talks either because DOE officials in Richland negotiated in good faith but were overruled by their Washington, D.C., superiors or because DOE wanted to test whether the state would compromise its tough stance on transuranic wastes.

On March 4, the state filed a federal lawsuit to stop DOE shipments of transuranic wastes to Hanford until a legal timetable is worked out. "Frankly, we are hopping mad," Gregoire said then.

That was followed by the state using a clause in the Tri-Party Agreement to issue two administrative orders setting transuranic waste disposal deadlines. That clause says the state has the final say in an impasse with DOE.

On April 9, DOE filed its own lawsuit, charging the state cannot arbitrarily set the deadlines.

On Friday, DOE dropped its biggest bomb, after nine days of scrutinizing the state's 14-page April 30 order. Page 12 has this sentence: "DOE shall immediately stop creating a backlog of untreated mixed wastes."

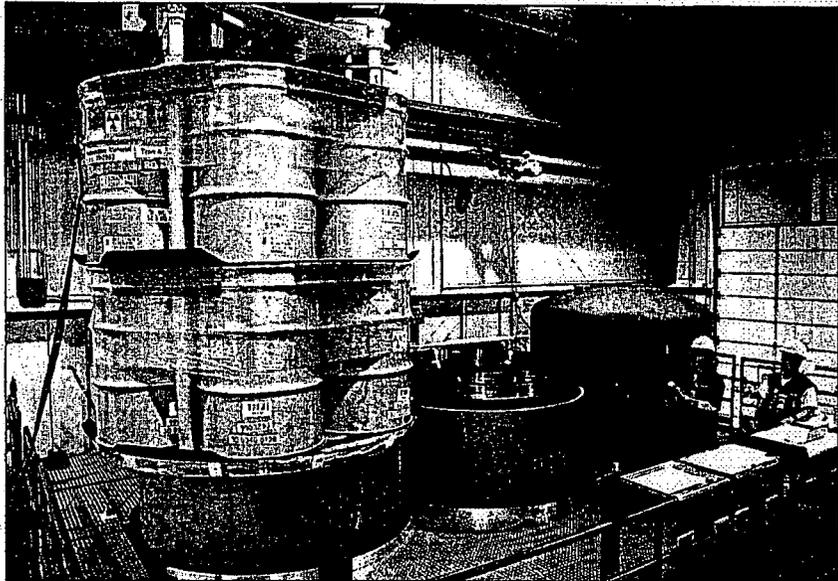
DOE chose to interpret that to mean Hanford cannot do anything that would create one new bit of mixed chemical-radioactive waste and ordered the work shutdown.

State officials say the sentence is supposed to mean only that DOE should treat any new mixed wastes as they are produced. The state says it is willing to clarify or rewrite the sentence.

After discussions Monday and Tuesday with DOE, the state agreed not to enforce the controversial sentence in its April 30 order for 30 days.

That is supposed to give DOE time to come up with a detailed breakdown on how the April 30 order would affect Hanford work. The state will study that breakdown to prepare for yet-to-be-scheduled talks on the issue.

■ Reporter John Stang can be reached at 582-1517 or via e-mail at jstang@tri-cityherald.com.



Herald file

The state and Department of Energy are waging an escalating battle of wills over who will legally control how Hanford receives, digs up, checks, repacks and ships out barrels of transuranic wastes. Here, barrels of transuranic waste are lowered into a TruPact shipping container at the Waste Receiving and Processing center in Hanford's 200 West area.

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We did trust (DOE). We trusted them so much that we allowed them to begin sending some transuranic wastes to Hanford during the talks. At the end of the day, they walked away from the table.

State Attorney General Christine Gregoire

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DOE to oversee cleanup

The Paducah Gaseous Diffusion Plant will no longer have to compete with Oak Ridge, Tenn., for uranium cleanup funds.

By Joe Walker

The U.S. Department of Energy has finally approved establishing a Lexington office to oversee cleanup at uranium enrichment plants in Paducah and Piketon, Ohio.

The move, reported by U.S. Rep. Ed Whitfield, R-Hopkinsville, eliminates a huge layer of bureaucracy by removing the plants from control of DOE's sprawling Oak Ridge, Tenn., operations office. It formalizes Paducah-Piketon cleanup manager Bill Murphie's direct accountability to DOE headquarters in Washington, D.C.

That is a change long advocated by Whitfield and others on Capitol Hill so that the Paducah plant won't have to compete for funding under the Oak Ridge umbrella. Press Secretary Jeff Miles said Whitfield was "very happy" after learning Tuesday of the decision by Secretary of Energy Spencer Abraham.

"The secretary of energy has signed off on the Lexington office," Miles said. "I can't speculate on when it will be up and running."

Attempts to reach DOE spokesman Joe Davis, who was traveling Tuesday, were unsuccessful. Murphie said earlier this month that he hoped the decision would be made soon. The location was picked because it is about the same distance from the two plants.

Whitfield and Sens. Jim Bunning and Mitch McConnell have been pushing the change for more than three years after confronting senior Energy Department managers in congressional hearings. They said the Paducah and Piketon plants were not getting their fair share of cleanup funds compared with many Energy Department facilities in Oak Ridge.

Bunning has said that more than 75 percent of the \$1 billion-plus spent at Paducah has been to manage waste rather than clean it up.

In February, Assistant Energy Secretary Jessie Roberson said the budget had funding for the Lexington office, expected to have 19 employees with some working in both plant communities. That followed a November statement by Davis that the Lexington plan had not been presented to Abraham and probably wasn't "going anywhere."

Murphie has been traveling between Washington and the two plants. Having a Lexington office puts him closer to state environmental regulators in Frankfort with whom he has been trying to reach an agreement on final cleanup actions — such as for a massive amount of contaminated groundwater — at Paducah.

"At what point do we say we've spent all the money we can?" he said in a recent interview.

Murphie was among 27 of 70 senior environmental management executives who were reassigned from Washington to various sites nationwide to improve cleanup. The Lexington decision comes more than a year after he was appointed.

Uncertainty over the status of his office has concerned such organizations as the Paducah Area Community Reuse Organization that channel Energy Department funding into business ventures to offset job losses by nuclear workers.

Oak Ridger
Wednesday, May 28, 2003

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Fluor Fernald "Iron Man" Works 23 Years Without a Sick Day

Jeff Wagner
Fluor Fernald
Public Affairs



At first glance, Paul Burkart, a hazardous waste technician (HAZWAT) in the Waste Pits project at Fernald, is a quiet, unassuming guy. Inside, however, he's an iron man who has worked 23 years without ever taking a sick day.

"We refer to Paul as our 'Secret Weapon,'" says Lynn Curry, a supervisor in the Waste Pits. "There's no job too tough for Paul."

Burkart has helped produce uranium metal since May 27, 1980, and is now working to cleanup the remnants of the production mission.

"I love the work. It's always different, always challenging," he says.

Burkart began his Fernald career in Plant 5, the former Metals Production Plant, where huge Rockwell furnaces superheated compounds to make uranium metal. When operations ceased, he moved to Plant 6, where workers once machined uranium metal for the Department of Energy. When cleanup operations began under Fluor Fernald, the mission of the workforce changed from production to remediation.

Today, Burkart works with approximately 250 employees to remove one million tons of waste held in six pits. Once the waste is excavated from the pit and hauled to the waste-handling building, crews work in double layers of anti-contamination clothing and full-face respirators to sort, dry, sample and blend the waste before loading it into gondola rail cars. There's a roof over their heads, but the facility is basically open, and crews work 24-hours-a-day, 7-days-a-week in summer heat and winter cold. It's difficult work under less than ideal conditions, but Burkart takes it in stride.

"It's not that I don't feel bad sometimes. I just don't feel bad enough to stay home. Some of my co-workers kid me. They think I'm crazy for not taking time off," says Burkart with a grin.

Since leaving the Army in 1971, where he spent 13 months in Korea, he has never missed a day of work, even during nine years at two Cincinnati chemical manufacturing plants. He does admit to missing school - once.

"I woke up one morning and couldn't move. I was paralyzed," says Burkart. "My mom called the doctor. They never really did find the cause, but I was back to school the next day."

At a time when runny noses or sore throats can keep people out of the workplace, Burkart is an example of someone who likes the work, people and challenges of a difficult project enough to make it to work - every single day.

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"Senate Panel wants post-2006 funding increase at EM sites"

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SENATE PANEL WANTS POST-2006 FUNDING INCREASE AT EM SITES

Dept. of Energy Assistant Secretary for Environmental Management Jessie Roberson's revelation (*WC Monitor*, Vol. 14 No. 13) that currently designated non-closure sites should not expect to receive a boost in funding once closure is achieved at Rocky Flats, Fernald and other 2006 closure sites is not sitting well with members of the Senate Armed Services Committee. The report accompanying the FY 2004 Defense Authorization bill (S. 1050)—which passed the Senate May 22—declares that the Committee "is concerned that there are some officials at DOE who are no longer supporting a policy to roll over savings realized as EM sites are closed, as was originally proposed in 1996.... The four remaining, major EM sites...were ensured that if they stood by while the first three 2006 closures were completed, then the remaining sites could use those savings to accelerate their own closure." The panel "encourages" the Department to use any EM funding "which becomes available due to the closure of Rocky Flats, Fernald, Mound or any other 2006 closure sites to help accelerate closure of the remaining EM sites. No such language was included in the House version of the legislation, which also passed last week.

The Committee report states that re-investing available money in the cleanup program after 2006 will "continue the momentum" at the remaining sites, with more than \$1 billion expected to be available once Rocky Flats, Fernald, and Mound are closed. "The budget model used to accelerate closure at Rocky Flats, Mound, and Fernald was to use an increase of funding at the beginning to focus on reducing high risk cleanup tasks first," the report declares. "This model greatly reduced the overhead costs needed to monitor and guard the high risk areas, providing a windfall of funds to accelerate cleanup, and substantially reduce life cycle costs." ■

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"EM Chief reorganizes management of DOE cleanup program"

EM CHIEF REORGANIZES MANAGEMENT OF DOE CLEANUP PROGRAM

Assistant Secretary for Environmental Management Jessie Roberson is reorganizing the management of her headquarters office. "I've always said that reorganizing is going to be one of the last initiatives I'll propose because the goal isn't just to change boxes, it's to develop the organization into a performance-based organization," Roberson told *WC Monitor*. "So we've put into place the tools and we're now adjusting functionally to carry out the use of those tools." Under the new structure, the Chief Operations Officer will continue to oversee the field office managers. But the new position of Deputy Assistant Secretary for Corporate Strategy has been created to oversee deputy assistant secretaries responsible for four areas (*see chart*):

- Environmental cleanup and acceleration;
- Logistics and waste disposal enhancements;
- Performance intelligence and improvement; and
- Business operations.

Roberson emphasized that the changes are driven by her experiences since taking over the Environmental Management program. "Keep in mind—it isn't like I walked in today with a blank piece of paper and drew boxes," Roberson declared. "I've now had almost two years to work with this organization for us to shape this program. Now we've designed an organization to carry out that work."

Transportation Program Elevated

Roberson emphasized that the reorganization "elevates" several programs and initiatives that may have been overlooked in the past. For example, the new structure makes transportation one of the primary responsibilities of the DAS for Logistics and Waste Disposal Enhancements rather than having a separate transportation office within the Office of Integration and Disposition, as under the current structure. "There's a number of key things that we pull up that haven't had the focus that they should have," Roberson declared. Additionally, Roberson said the changes reflect the Department's push to use the cleanup technologies that have been in development over the last decade. Under the new organization, the development and deployment of cleanup technologies will be the responsibility of the DAS for Environmental Cleanup and Acceleration, rather than in a separate Office of Science and Technology. "We've actually sat it in its rightful place," Roberson asserted. "The goal of that program is to help us close the gaps in our cleanup and so we place it functionally where we should see the payoff for that."

Another major change in the management structure is the elimination of the Office of Site Closure—which monitored progress at Ohio, Oak Ridge, Rocky Flats and small closure sites—and the Office of Project Completion—which monitored operations at Idaho, Savannah River, Richland and River Protection. "Their primary role was to know and be everything to everybody, which we know is unrealistic," Roberson told *WC Monitor*. "Their job was to know everything that was going on in the field. There were certain responsibilities that were being carried out that were oversight of the field, which the field should be doing themselves."

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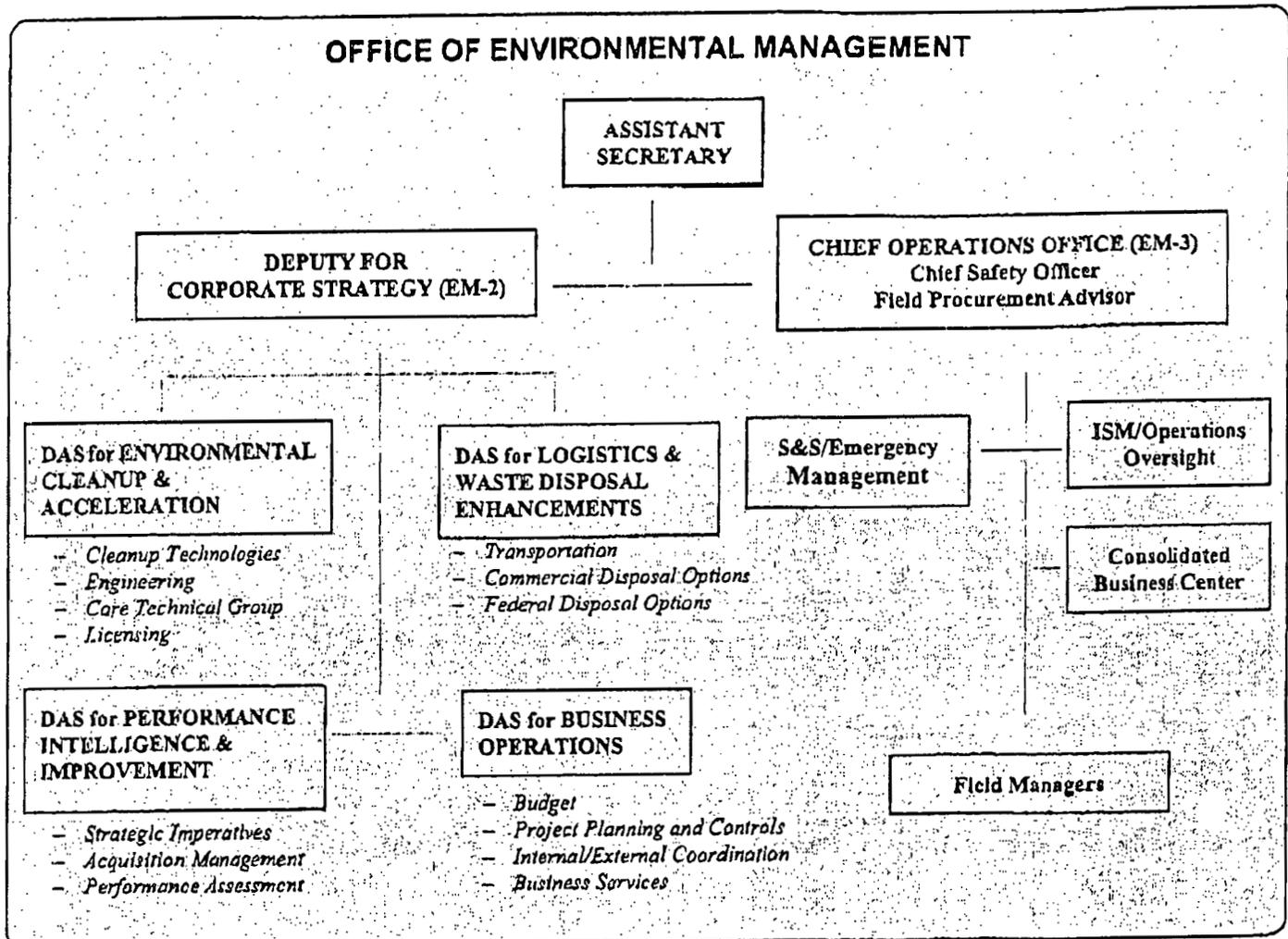
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"EM Chief reorganizes management of DOE cleanup program"**Transition by End of July**

The changes will take place over the next two and a half months. Roberson says she has not made any decisions about who will fill the new deputy assistant secretary positions, although she told *WC Monitor* that there will be no "principal deputy" under the new structure. An "implementation team" selected by Roberson will build staffing charts for the other positions. Roberson said that there will be approximately the same number of personnel under the new structure, although the ratio of supervisors to employees will increase to 1 to 14—a Department goal—from the current 1 to 10. Some senior personnel may move to the field, Roberson said, but "that is not a driver" for the changes. "The thing that isn't visible by looking at the old structure is that the number of people in this organization has steadily decreased over the last year and a half anyway and what we haven't done is fill vacancies because we wanted to look at how the organization needed to function," Roberson said. ■

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*"Small businesses may be given priority for small sites cleanup"***SMALL BUSINESSES MAY BE GIVEN PRIORITY FOR SMALL SITES CLEANUP**

The Dept. of Energy's Office of Environmental Management will issue a broad Request for Proposals this summer for cleanup, decontamination, and other work at a group of 26 small sites nationwide. According to a request for expressions of interest for the effort—called the FOCUS Project—issued May 21, the Department is seeking interest from all varieties of companies, although DOE is clearly encouraging small businesses to bid on the project. "We view this as another area where we can put the expertise of our small businesses to use in cleanup work, where in the past they have been excluded," explained EM Chief Operating Officer Paul Golan at a House Cleanup Caucus briefing May 22. DOE FOCUS Project Manager Cynthia Anderson, also speaking at the briefing, revealed that the Department will be looking at combining work at several sites into one contract award as well as awarding contracts for single projects. "If you look at some single projects narrowly, it doesn't make sense for even a small business to go after the work...so we're going to bundle a couple sites to make a larger piece of work to focus on," Anderson said.

The contracts will either be awarded by site management contractors or directly from DOE on an indefinite delivery, indefinite quantity basis. However, the Department only gets credit for the small business contracts it directly awards. "We're looking at fixed-price and cost-plus, depending on the site and what needs to be done," Anderson explained.

West Valley, Pantex on Small Site List

The sites included in Phase I of the FOCUS project include:

- Brookhaven National Laboratory (Upton, N.Y.);
- Separations Process Research Unit (Niskauna, N.Y.);
- West Valley Demonstration Project;
- Ashtabula Closure Project;
- Columbus Closure Project;
- Fernald Closure Project;
- Miamisburg Closure Project;
- Argonne National Laboratory-East;
- Maxey Flats Field Management Project (Maxey Flats, Ky.);
- Salmon Site (Lamar County, Miss.);
- University of Missouri Research Reactor;
- Monticello Remedial Action Project;
- Inhalation Toxicology Laboratory (Albuquerque, N.M.);
- Los Alamos National Laboratory;
- Sandia National Laboratories-New Mexico;
- Nevada Offsites Program (Las Vegas, Nev.);
- Pantex Plant;
- Energy Technology Engineering Center (Santa Susana, Calif.);
- General Atomics Hot Cell Facility D&D Project (La Jolla, Calif.);
- Laboratory for Energy-Related Health Research (Davis, Calif.);
- Lawrence Berkley National Laboratory;
- Lawrence Livermore National Laboratory; and
- Stanford Linear Accelerator Center.

Plan for Small Sites By End of FY03

Anderson explained that the Department is working on baselines and a "corporate plan" for the 26 sites that will be completed by Sept. 30, 2003. "Previously, we had many small sites all over the country that had different site strategies. Very few sites were getting off the books and the lifestyle costs were escalating.... What we want to do is bring all the sites into a national program," Anderson said. Funding for the FOCUS sites is \$846.4 million in FY 2003, but Golan said part of the current review process will involve reconsidering that funding level. "We need to look at what should it cost versus what does it cost," Golan declared. ■

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The Harrison Press

Front Page

"Crosby trustees likely to try levy again in November"

Crosby trustees likely to try levy again in November

By Tina Emmick
Staff Writer

After a 3.5-mill fire levy failed Tuesday, May 6, Crosby Township trustees are regrouping and will likely put the issue before voters again this fall.

Trustees say they will probably put another fire levy on the November ballot but don't know what the millage will be. The 3.5-mill levy offered this month would have generated about \$200,000, enough to hire two firefighters to provide 24/7 coverage, seven days per week.

More money to run the department is needed because of anticipated growth in the township combined with the end of mutual aid services in October from the Fernald Fire Department. The department's demise coinciding with the end of the cleanup of the former Fernald uranium processing plant will create a demand on the township fire department.

According to trustees, firefighters from Fernald were often the first to arrive on the scene during an emergency.

"I don't think the public realizes what it will mean when Fernald leaves," said trustee Gary Storer.

Without mutual aid from Fernald, the fire department will have to rely mostly on volunteers who have an average 8-11 minute response time. About 75 percent of emergencies happen during shifts covered by volunteers

"I don't think the public realizes what it will mean when Fernald leaves." - Gary Storer

who respond from their homes.

The township is getting too big to rely on volunteers, according to the trustees.

"The rest of the county comes here to play at Miami Whitewater Forest, Rumpke ballpark and Stricker's Grove," said Storer. "Unfortunately, that's when we have the least coverage."

Trustee Warren Strunk said he thinks one of the reasons the levy failed is because residents thought they were being asked to pay for additional emergency services for anticipated development. Tax revenue collected from new residents should offset the financial burden on the fire department that will be created by more people living in the township, said Strunk.

"I think there was a misconception that people thought they were being asked to pay for service to the new developments but that's not the case," said Strunk. "New residents will be taking care of themselves through the property tax they pay."

Crosby Township has an estimated

Continued on Page 8A

Crosby levy —

Continued from Page 1A

2,700 residents and about 1,800 are registered voters. Of those, only 351 turned out to cast votes.

"We were very disappointed with voter turnout," said trustee Jane Harper. "Basically, 188 people decided the fate of all township residents."

There seemed to be some confusion about how much additional tax residents would pay based on their homes' value, said Harper.

A resident with a house having a market value of \$100,000 would pay about \$100 more per year. The tax is based on a property's assessed value, not market value, said township administrator Jane Pirman. The assessed value is about 35 percent of

the market value, she said.

Trustees said they think education is the key to getting the next fire levy passed. There will be more time to campaign and impress upon residents the necessity of providing a faster response time and more comprehensive emergency coverage, said Harper.

Strunk said if people turn down the levy with the full knowledge of what they are voting against, he will accept that. The fire department will continue to look at ways to contain costs and provide the best coverage it can within its budget, he said.

"I don't want to continue to ram a levy down people's throats," said Strunk. "But I want to make sure they know what they're rejecting."

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Weapons Complex Monitor

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"Senate, House Armed Services propose \$6.8B for defense cleanup"

SENATE, HOUSE ARMED SERVICES PROPOSE \$6.8B FOR DEFENSE CLEANUP

Funding Levels Match Administration Request

The House and Senate Armed Services committees reported out their respective versions of the FY 2004 Defense Authorization bill last week, proposing funding levels for the Dept. of Energy's defense cleanup program that match the Administration's \$6.81 billion request. The total FY04 request for DOE's Office of Environmental Management is \$7.24 billion, including non-defense environmental management (*WC Monitor*, Vol. 14 No. 6). The Senate bill (S. 1050) authorizes \$5.81 billion for defense site acceleration—\$1.35 million less than the Administration's request—while the House bill (H.R. 1588) authorizes \$5.82 billion for defense site acceleration—\$9.5 million above the Administration's request. Both bills match the Administration's \$995.2 million request for defense environmental services (*see chart*). The support for the EM budget request comes as no surprise after key lawmakers in both the House and Senate praised the program in a slew of budget hearings throughout the spring (*WC Monitor*, Vol. 14 No. 14).

Senate Requests Report on Waste Responsibilities

Additionally, the Senate bill directs the Secretary of Energy to submit a report to Congress accompanying the FY 2005 budget request that "sets forth a delineation of responsibilities between and among the Environmental Management program and the National Nuclear Security Administration." As directed, the report should concentrate on:

- Environmental cleanup;
- Decontamination and decommissioning; and
- Waste management.

In FY06, the Secretary would be required to submit a report detailing a plan to implement responsibilities for the

three areas between NNSA and EM. "The report...shall include such recommendations for legislative action as the Secretary considers appropriate in order to clarify in law the responsibilities delineated and facilitate the implementation of the plan set forth in the report," the bill states. Senate staffers told *WC Monitor* that the bill language was sparked, at least in part, by Assistant Secretary for Environmental Management Jessie Roberson's drive to rid the cleanup program of all activities other than environmental remediation, leaving NNSA and other DOE agencies with possible waste management responsibilities. ■

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"NTS LLRW Disposal Volumes"

DOE APPROVED GENERATORS	Disposal Location	W/E: 04 May 03			FY 03 TOTAL			WMP TOTAL	
		No. of Ship.	Volume (Cu. Ft.)	Volume (Cu. M.)	No. of Ship.	Volume (Cu. Ft.)	Volume (Cu. M.)	Volume (Cu. Ft.)	Volume (Cu. M.)
ABERDEEN	Area 3	0	0	0.00	0	0	0.00	120	3.40
	Area 5	0	0	0.00	0	0	0.00	85,137	2,410.81
ALLIED SIGNAL	Area 5	0	0	0.00	0	0	0.00	413	11.69
BECHTEL NEVADA	Area 3	0	0	0.00	10	20,730	587.01	319,615	9,050.47
	Area 5	0	0	0.00	3	1,354	38.34	37,964	1,075.02
	Mixed	14	6,216	176.02	0	0	0.00	16,763	474.67
BRITISH NUCLEAR FUELS LIMITED	Area 3	11	14,947	423.25	91	42,496	1,203.35	504,658	14,290.30
	Area 5	3	2,310	65.41	174	285,739	8,091.21	673,898	19,082.63
FERNALD	Area 3	1	1,351	38.26	56	35,179	996.16	3,754,657	106,319.87
	Area 5	0	0	0.00	76	43,030	1,218.47	2,706,887	76,650.38
GENERAL ATOMIC DOE	Area 3	0	0	0.00	0	0	0.00	297,686	8,429.51
	Area 5	0	0	0.00	0	0	0.00	430,304	12,751.17
GENERAL ATOMIC CORPORATE	Area 3	0	0	0.00	0	0	0.00	494	13.99
	Area 5	0	0	0.00	5	3,408	96.50	33,591	951.19
INEEL	Area 3	0	0	0.00	0	0	0.00	570	16.14
	Area 5	0	0	0.00	0	0	0.00	1,614	45.70
IT CORPORATION	Area 3	0	0	0.00	0	0	0.00	419	11.86
	Area 5	0	0	0.00	0	0	0.00	8,392	237.63
	Mixed	0	0	0.00	0	0	0.00	56	1.59
LLNL, CA	Area 3	0	0	0.00	26	10,802	305.88	263,572	7,463.52
	Area 5	0	0	0.00	0	0	0.00	60,463	1,712.12
LRLI	Area 3	0	0	0.00	0	0	0.00	3,732	105.68
	Area 5	0	0	0.00	0	0	0.00	6,974	197.48
MOUND	Area 3	2	5,121	145.01	40	105,653	2,991.75	249,573	7,067.11
	Area 5	1	2,053	58.13	11	18,205	515.51	1,938,474	54,891.38
OAK RIDGE RESERVATION	Area 3	0	0	0.00	44	22,837	646.67	44,644	1,264.18
	Area 5	0	0	0.00	0	0	0.00	40,487	1,146.46
PADUCAH	Area 3	4	10,043	284.39	4	10,043	284.39	10,043	284.39
	Area 5	5	2,698	76.40	63	38,002	1,076.10	61,649	0.00
PANTEX	Area 3	0	0	0.00	0	0	0.00	32,230	912.65
	Area 5	0	0	0.00	3	1,619	45.84	125,327	3,548.86
PRINCETON	Area 3	0	0	0.00	0	0	0.00	24,272	687.31
	Area 5	0	0	0.00	0	0	0.00	2,065	58.47

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The Harrison Press

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"Fernald to host last public tour"

Fernald to host last public tour

Here is an update of activities related to the cleanup of the former Fernald uranium processing facility

Fernald's last public tour

The Department of Energy will host its last major public tour on Tuesday, June 10. As the site continues to make great strides toward the 2006 closure, the detours, demolition, and road closures make it increasingly difficult for buses to maneuver, plus there won't be much to see after this construction season.

Join the staff at 5:30 p.m. for a grill-out, courtesy of Fluor Fernald. The bus tour will follow at 6:30 p.m.

The tour will include viewing all the major remediation projects and should take two hours. It is necessary to pre-register by June 5 in order to arrange for transportation and food.

Contact Jeannie Foster, 648-5883, email: jeannie.foster@ferald.gov.

Fernald Citizens Advisory Board (FCAB)

The FCAB Stewardship Committee will meet Thursday, May 8, in a round-table discussion concerning the Natural Resources Damage Assessment.

Representatives from the Natural Resources Trustees will join the dialogue. The meeting begins at 6:30 p.m. at the Crosby Township Senior Center, 8910 Willey Road.

A full FCAB meeting will take place Saturday, May 10 and will focus on project updates, the 2004 budget, the silos proposed plan and FCAB membership. The meeting begins at 8:30 a.m. at the Crosby Township Senior

Grill-out, two-hour bus trip takes place June 10

Center.

For more information, contact Gary Stegner, 648-3153, email: gary.stegner@ferald.gov.

FRESH meeting

Fernald Residents for Environmental Safety and Health (FRESH) will hold its meeting on Thursday, May 22, 7:30 p.m., at the Venice Presbyterian Church, Ross. All are welcome.

Decontamination and demolition

Decontamination and Demolition (D&D) activities continue in the Plant 2, 3 and 8 complexes, the general sump and the laboratory complex. Work includes removal of interior transite, equipment and systems, size reducing debris and placement into roll-off boxes. Mactec, the project's subcon-

tractor, continues removal of interior transite and piping in the Pilot Plant and on-going asbestos abatement in the laboratory complex.

For more information, 648-3154, email: john.trygier@ferald.gov

Silos project update

In May, construction crews at the Accelerated Waste Retrieval (AWR) project will begin assembling the Silo 2 bridge, which will serve as the platform for waste retrieval operations, and erecting the Transfer Tank Area Building. The Silos 1 and 2 dome caps will be removed in preparation for the bridge placement. The AWR team continues to work on pump and sluicing module fabrication that will serve as the vehicle for removing waste from the aging silos.

Workers at the Silos 1 and 2 Waste Treatment Project will complete construction of the warehouse, finish installing the rail spur, and receive and install the clarifier and the agitators in the slurry receipt and feed tanks. They will also complete installation of the remediation facility mat foundation, form and pour the shielding walls and install the piping and cable tray on the existing pipe rack.

At Silo 3, workers will form and pour the Silo 3 Excavator Building walls. The Silo 3 project received EPA approval for the proposed plan in late April. The public comment period for the proposed plan is April 30 through May 30 and a public hearing is scheduled for Tuesday, May 13, 6:30 p.m., at the Crosby Township Community/Senior Center. Copies of the plan are available at the Fernald Public Environmental Information Center (PEIC) or visit the Fernald Web site at www.ferald.gov.

For information, 648-3110, email: nina.akgunduz@ferald.gov.

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"More cleanup contract changes on the way at Ohio Field Office"

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MORE CLEANUP CONTRACT CHANGES ON THE WAY AT OHIO FIELD OFFICE

*Fluor Argues for Stable Funding at
Rep. Hastings' Caucus Briefing*

The Dept. of Energy's Ohio Field Office has already renegotiated closure contracts with contractors at two of its sites—Fernald and Mound—and field office Manager Bob Warther plans to finish new closure contracts for the Ashtabula and Battelle Columbus sites by the end of the fiscal year. "If we don't have a good contract in place, then it's going to be hard to achieve closure," Warther explained at a May 8 House Cleanup Caucus briefing. Warther said one his main priorities since taking over the field office three months ago has been modifying the closure contracts managed by his office to better tie the contractors' fees to closure of the site. Negotiations with RMI on a new Ashtabula contract are expected to conclude by the end of this month, and the Department expects to award the Battelle closure contract to a small business by Oct. 1. "We think that this contract is an excellent opportunity for a small business to get involved in real cleanup in the DOE complex," Warther said. DOE extended Washington Group's West Valley Demonstration Project contract last year, and Warther said no changes to that contract are on the immediate horizon. The briefing on progress at the Ohio Field Office was the eighth of 10 annual briefings organized by House Cleanup Caucus Chairman Rep. Doc Hastings (R-Wash.). The sessions continue May 15 with a focus on Paducah and Portsmouth.

Fernald Needs Stable Funding

Fluor Fernald Vice President Dennis Carr emphasized at the briefing that while the site is on schedule to meet the 2006 closure deadline, stable funding of at least \$324 million a year is needed from Congress to ensure the milestone is met. "We are in a heavy, capital-intensive phase of the project," Carr declared. "We are very sensitive to changes in funding right now. Stable funding is critical." Carr said that over the next year, Fluor Fernald will:

- Complete demolition of buildings in the former production area by September 2003;
- Complete disposal of remaining containerized waste by October 2003;
- Place 530,000 cubic yards of contaminated soil and debris in the On-Site Disposal Facility;
- Ship 28 more 60-car trains of waste to Envirocare;
- Initiate off-site disposal of Silo 3 waste (*see related story*) by April 2004; and
- Initiate transfer of Silo 1 and 2 residues by June 2004.

At Mound, CH2M Hill Mound President John Fulton reported that the Building 38 demolition project—being completed under a subcontract to URS—is on schedule for completion next month. Additionally, Fulton said the site will finish shipping its transuranic waste to the Savannah River Site by the end of July, where it will be characterized and sent to the Waste Isolation Pilot Plant. "We looking at everything, making sure we don't generate any more transuranic waste after July," Fulton explained.

West Valley Waste Facility Open In '04

West Valley Nuclear Services President Jim Little said the Remote-Handled Waste Facility at West Valley is currently 186 days ahead of schedule and will be prepared to package and ship waste in June 2004. Workers will finish extending utility service to the new plant by July and will begin construction in March 2004. Little also reported that:

- High-level waste tank layup will be complete by August;
- Decontamination of the Product Purification Cell-South will be complete in September;
- Decontamination of the Process Mechanical Cell and General Purpose Cell will be completed by June 2004 and
- Decontamination of Extraction Cell 2 will be complete in September 2004. ■

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"At Fernald...DOE revises cleanup plan for Silo wastes"

AT FERNALD DOE REVISES CLEANUP PLAN FOR SILO WASTES

The Dept. of Energy and the Environmental Protection Agency are seeking comment on a revised plan for disposal of waste from Silo 3 that abandons earlier plans to treat the waste through chemical stabilization or polymer encapsulation before disposal off-site. Under the proposed changes, the waste—5,088 cubic yards of cold metal oxides generated during Fernald's uranium processing operations—would not be treated before being disposed of at the Nevada Test Site or a commercial facility such as Envirocare of Utah as 11e.(2) waste. The Dept. of Energy believes the change will result in significant cost savings on the project, with the new plan estimated to cost \$42 million as opposed to the estimated \$55 million for the earlier cleanup proposal.

ed in 1998 to replace vitrification with chemical stabilization or polymer encapsulation. Both remedies recommended some treatment of the waste in order to meet acceptance criteria at the Nevada Test Site, which at the time required that all waste—even statutorily exempt 11e.(2) waste—be below Environmental Protection Agency thresholds for leachability. However, the disposal criteria was amended in February 2002 to allow 11e.(2) waste to be exempt from the requirements and, therefore, DOE believes treatment of the waste is no longer necessary. "The new information ... demonstrates that it is now permissible to dispose of the Silo 3 residues in an untreated form at the Nevada Test Site, and that a commercial facility may also be able to accept untreated Silo 3 material in the near future," the plan declares. The comment period began April 30 and will end May 30. A public meeting on the proposed changes is set for May 13 in Fernald, Ohio.

In a 1994 Record of Decision, DOE selected on-site vitrification and off-site disposal at NTS as the preferred remedy for the Silo 3 waste, and that decision was amend-

Calendar

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| <p>May</p> <p>Public Meeting: Dept. of Energy seeks public comments on Revised Draft of the Hanford Site Solid Waste Environmental Impact Statement; Best Westco, La Grande, Ore.; Contact: Michael Collins, 800-426-4914.</p> <p>15 Conference: Fourth Annual Small Business Conference; Albuquerque Convention Center, Albuquerque, N.M.; Sponsor: U.S. Dept. of Energy; Information: http://www.smallbusiness-outreach.doe.gov/.</p> <p>Public Meeting: Dept. of Energy seeks public comments on Revised Draft of the Hanford Site Solid Waste Environmental Impact Statement; Radisson Hotel, Portland, Ore.; Contact: Michael Collins, 800-426-4914.</p> <p>Public Meeting: Dept. of Energy Ohio Operations Office discusses proposed changes to cleanup plan for Fernald's Silo 3; 6:30 p.m.; Crosby Township Community/Senior Center, Fernald, Ohio; Contact: Gary Stegner, 513-648-3153.</p> <p>4 Meeting: Nuclear Waste Technical Review Board Spring Meeting; Washington, D.C.; Contact: Karyn Severson, 703-235-4473.</p> | <p>20-21 Meeting: Dept. of Energy Idaho National Engineering and Environmental Laboratory Citizens Advisory Board; Pocatello, Idaho; Contact: 208-526-5665.</p> <p>21-22 Workshop: Nuclear Regulatory Commission holds public workshop on proposed rulemaking on alternatives for controlling the disposition of contaminated solid materials; NRC Headquarters, Rockville, Md.; Contact: Chip Cameron, 301-415-1642.</p> <p>June</p> <p>5 Meeting: Rocky Flats Citizens Advisory Board; Broomfield, Colo.; Contact: 303-412-1500.</p> <p>5-6 Meeting: Hanford Citizens Advisory Board; Richland, Wash.; Contact: Yvonne Sherman, 509-376-6216.</p> <p>1-5 Meeting: American Nuclear Society Annual Meeting; San Diego, Calif.; Contact: ANS, 708-579-8254; Info.: www.ans.org/meetings.</p> <p>2-6 Conference: International Conference on Storage of Spent Fuel from Power Reactors; Vienna, Austria; Sponsor: International Atomic Energy Agency; Info.: www.iaea.org/worldatom/meetings.</p> |
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Weapons Complex Monitor

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"DOE fires back at Nat'l Academy on long-term stewardship report"

DOE FIRES BACK AT NAT'L ACADEMY ON LONG-TERM STEWARDSHIP REPORT

The Dept. of Energy Office of Environmental Management is taking the National Academy of Sciences to task for a report that Department officials believe unfairly characterizes its long-term stewardship efforts as an "afterthought" to cleanup. The report, *Long-Term Stewardship of DOE Legacy Waste Sites—A Status Report (WC Monitor, Vol. 14 No. 17)*, asserts that DOE is undermining its credibility with stakeholders and regulators by treating cleanup work and long-term stewardship as two separate functions that should be inter-related. David Geiser, director of EM's long-term stewardship program, told the Academy's Board on Radioactive Waste Management May 8 that he took portions of the report "personally" and characterized the report as not at all reflective of DOE's commitment to long-term stewardship. Geiser declared that "DOE is and will be an effective steward," and emphasized that the Department is already doing what the report recommends. "I don't mean to pick on the private sector ... but I do ask you what institution currently in the world has a better potential to be a good steward of these sites than the federal government?" Geiser told the Board. "If you can come up with that institution, we'd love to know about it and we will try to transfer this responsibility to that institution. Until we find that, we're going to do the best we can."

The report recommended that DOE "explicitly plan for its stewardship responsibilities, taking into account stewardship capabilities, when making cleanup decisions"—a process that Geiser says is already in place. Geiser asserted that DOE currently considers long-term stewardship during cleanup remedy selection, consistent with the National Contingency Plan's nine federal criteria for selection of a remedy. Among the criteria are the long-term effectiveness and permanence of a remedy, Geiser explained. "I just want to say that long-term stewardship is considered part of the current regulatory structure," Geiser said.

Weldon Spring Transition Not "Casual"

The report, while complementary of the transition to stewardship at Weldon Spring, cautioned the Department against treating long-term stewardship "so casually at other sites" lest they enter the stewardship phase unprepared—a finding that Geiser vehemently contested. "I take it personally simply because it seems like I've spent half my life there in the last year," Geiser emphasized. "I'll get over this probably in a year or two, [but] the report says the 'casual' nature of the transition ... and I'm going to tell you we had a team of about 12 federal employees working nonstop for a year in addition to multiple state agencies, multiple public meetings ... that was not a casual transition in our mind." Though the report criticized DOE for transferring Weldon Spring to long-term stewardship without a final Record of Decision for groundwater, Geiser went on to assert that DOE had completed "an interim record of decision for groundwater at Weldon Spring ... if we felt there was significant remediation left, that site would not have been closed." He maintained that the transition period at Weldon "may be typical at all complex DOE sites" and that the transition should be expected to be a gradual process. Geiser said there would be no "instantaneous point where EM's done" and legacy management takes over.

Geiser also challenged the report's conclusions about a lack of public trust at many DOE sites. "Despite some criticisms about lack of public trust in the DOE, we have made tremendous progress over the last 15 years," Geiser declared. "I would challenge any other governmental entity or any individual company to show that they have a better public participation program than DOE." ■

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May 5, 2003

Fluor News Online Home page

"An Important Link in the Chain"

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Published Date: May 05, 2003

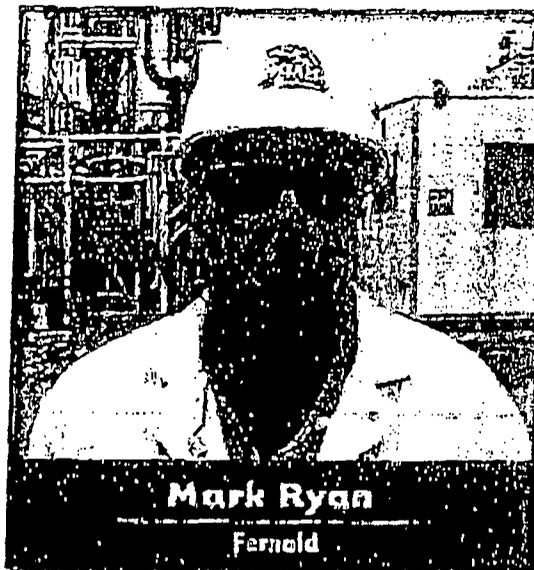
An Important Link in the Chain*By Joyce Bentle**Public Affairs**Fluor Fernald*

A Passion to Bull: This story highlights Fluor's value -- excellence: we deliver quality services of unmatched value, constantly raising the bar on our performance.

All the links in the system or "process chain" are critical to the smooth running of Fernald's Waste Pits Remedial Action Project (WPRAP). If one link in the system fails, it can result in a costly delay in the cleanup schedule.

The process-chain steps include:

- o Workers excavate waste from the pits. All-wheel drive, 30-ton capacity dump trucks transport the waste to the material handling building, where crews segregate it and determine the appropriate treatment processes.
- o Rotary kiln dryers remove moisture from material that's too wet to be shipped. Workers then load it into rail cars for disposal at an off-site facility.

**How literally one chain link can make the difference:**

Mark Ryan, a WPRAP team member, recently helped prevent a potentially massive delay by paying attention to what was literally – a link in a chain. Ryan was following a routine lubrication schedule when he noticed an abnormality on one link of the dryer main-drive chain. He alerted his supervisor, Bob Lineback, who inspected the chain and agreed that it needed attention.

Lineback consulted operations management, and the decision was made to take the dryer off-line, let it cool down and inspect it more closely. That's when project engineers found that the drive system was close to failure, and the main-drive chain required a new link. Had the drive system failed during operation, the dryer shell could have been damaged, resulting in the need for major repairs. In turn, the clean-up schedule may have jeopardized.

"Mark prevented a major failure in the dryer drive system," says Con Murphy, project manager for Shaw Environmental, Inc. "We thank him for his attention to detail and dedication to his job."

Ryan appreciates the recognition, but insists he was just doing his job.

"I was following a routine procedure," he says. "My co-workers, Matt Ryan, Sonny Windeler and Mike Thompson, did the difficult part when they corrected the problem."

"Every employee, here on site, is an important link," says Jamie Jameson, Fluor Fernald executive project director. "Workers like Mark Ryan, whose focus on the details help improve the big picture, and the kind of thinking he demonstrated are what make us successful."

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"Fernald to hold last tour for public"

Fernald to hold last tour for public

Uranium sites to be gone after this year

By Steve Kemmo
The Cincinnati Enquirer

CROSBY TWP. — The public's last chance to tour the Fernald site while it's being cleaned up will be June 10.

By the end of this year, all four remaining uranium-production complexes on the site will be gone.

"After this year, the site becomes very boring," said Jeff Wagner, spokesman for Fluor Fernald, the contractor overseeing the cleanup.

There will be a grill-out at the site at 5:30 p.m., with the tour starting at 6:30.

Tour buses will drive near the four remaining production complexes, but visitors will not be allowed to go inside the buildings. The buses also will drive close to the two earthen-berm silos that contain 8,900 cubic yards of radioactive waste.

When workers begin removing, treating and packaging the waste from those silos next year, it will not be safe for the public to be near them, Wagner said.

Many former Fernald employees are expected at the June 10 cookout and tour.

Those wanting to attend need to sign up by calling 848-5883 or by e-mailing jeannie.foster@fernal.gov. Visitors must be at least 18 years old. They will be asked to fill out a short registration form after arriving.

Before being shut down in 1989, the Fernald plant operated for 37 years, producing 500 million pounds of uranium metal products that were used at other federal sites for the production of nuclear weapons for the nation's defense program. The cleanup of radioactive waste on the site is to be completed in 2006.

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"DOE stewardship planning given short shrift, Academy Panel says"

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DOE STEWARDSHIP PLANNING GIVEN SHORT SHRIFT, ACADEMY PANEL SAYS

The Dept. of Energy treats long-term stewardship as an "afterthought" to cleanup, "undermining its credibility" with stakeholders and regulators, a new National Academy of Sciences report concludes. The report, *Long-Term Stewardship of DOE Legacy Waste Sites—A Status Report*, asserts that "DOE treats cleanup and long-term stewardship as activities to be planned and executed separately. LTS must cope with what is left behind when cleanup ends, but cleanup is shaped by regulations and takes little account of the obligations of stewardship or the likely limitations of LTS." The report is expected to be released early next month, but a copy was obtained by *WC Monitor*.

However, "the findings and recommendations are necessarily somewhat limited, in some cases raising more questions than answers, partly because the study did not run its full course," the report explains, because the study was cut short last year at the request of Assistant Secretary for Environmental Management Jessie Roberson. The report was crafted based only on site visits to Fernald and Mound, as well as discussions with DOE staff and reviewing documents. A status report on DOE's progress in remediating the Moab mill tailings pile was issued by the Committee last year.

Cleanup, Stewardship Can't Be "Decoupled"

The Committee specifically criticized the separation of stewardship and cleanup work at Fernald and Mound. "Cleanup and LTS are complementary elements of a single task: protecting human health and the environment now

and for the long term. Cleanup decisions cannot be decoupled from LTS considerations," the report declares. The report was somewhat more complementary of stewardship planning at Hanford and the Department's transition of the Weldon Spring site in Missouri from cleanup to stewardship, but challenged DOE that "if the end of cleanup is treated so casually at other sites, however, one might fear that a site like Fernald would enter LTS with neither a place nor a method to send its silo wastes for disposal."

Too Much Emphasis on Regulatory Compliance

The report asserts that the Department's long-term stewardship actions place a "more narrow focus" on meeting compliance agreements and regulations rather than recognizing the "dimensions of the long-term obligations" of the legacy wastes. "Regulators agree to a remedy, creating a compliance agreement, and the requirement of LTS is that DOE sustain the remedy. Compliance is necessary, of course, but the problem with a strict reliance on compliance is that today's regulations do not fully address LTS challenges," the report concludes. Some of the blame, the report acknowledges, belongs to regulators, who "have neither interpreted broader LTS requirements as implicit in the regulations nor been demanding in enforcement of the LTS aspects of even those that are specifically listed." Complicating the situation, however, is the fact that DOE—like all federal agencies—refuses to accept land-use restrictions imposed under state law on federal property. "Such a compliance-driven approach .. rests on a bold assumption: that the U.S. government will endure in essentially its current form into the indefinite future. This may not be a prudent basis on which to embrace a responsibility projected to last far longer than the history of the republic so far," the report declares.

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"DOE stewardship planning given short shrift, Academy Panel says"

The Committee asserts that while the Department has made some attempt to put a greater emphasis on long-term stewardship, it so far appears to be lip service. "Despite statements embracing LTS in recent DOE documents, the way in which DOE has selected, developed, and implemented remedies means that LTS continues to be an afterthought in practice," the report declares. Of the recently developed Site Transition Framework (*WC Monitor*, Vol. 14 No. 14), the Committee declares that "it is, however, only a checklist—it helps to ensure that a document is passed, not that the document contains what it should, or even that the relevant underlying information is available and accessible." Notably, however, the Department has launched two new initiatives since work on the study was complete: the creation of a Office of Legacy Management to oversee long-term stewardship responsibilities and a "risk-based end states" policy that directs site managers to restructure site cleanup plans based on the projected use of the site once cleanup is complete (*WC Monitor*, Vol. 14 No. 4).

Integrated Approach Recommended

The report recommends that the Office of Environmental Management incorporate long-term stewardship into each phase of cleanup by:

- Designing and selecting remedies that accommodate or benefit from natural communities and processes, so as to enhance the durability of remedies;
- Involving the stakeholders from the earliest phases of decisions that involve risk management;
- Planning for failure by analyzing the consequences of failures in engineered barriers and institutional controls;
- Tailoring monitoring to the specific risks and circumstances of each site, while providing national-level guidance for reporting formats and record-preservation protocols;
- Building understanding of DOE's approach during the remaining period of cleanup, so as to make long-term stewardship a welcome step as sites are closed;
- Selecting remedies recognizing that cleanup and long-term stewardship are complementary stages in the long-term management of hazards that cannot be eliminated completely; and
- Initiating a national dialogue, involving DOE and other agencies facing stewardship responsibilities, on these ensuring responsibilities for wastes created by industrial activities.

The Dept. of Energy is still formulating its response to the report, which will be included in the final version released next month. ■

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"At Oak Ridge...new cleanup chief named"

AT OAK RIDGE NEW CLEANUP CHIEF NAMED

Stephen McCracken has been named the Dept. of Energy's assistant manager for environmental management at Oak Ridge, replacing Gerald Boyd, who was named manager of the Oak Ridge Operations Office late last year (*WC Monitor*, Vol. 13 No. 48). Most recently, McCracken was director of the Dept. of Energy cleanup program at Fernald,

Ohio. He has held a number of other DOE positions, including an earlier stint in the environmental program at Oak Ridge. Glenn Griffiths, the deputy director at the Fernald Environmental Management Project, will hold the title of director for the Fernald Closure Project, DOE said. ■

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